

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: LAMBERT, Bart et al. Conf.:
Appl. No.: NEW Group: Unassigned
Filed: October 20, 2003 Examiner: Unassigned
For: NEW BACILLUS THURINGIENSIS STRAINS AND
THEIR INSECTICIDAL PROTEINS

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION WITH CONTINUATION-IN-PART OR
RULE 1.53(b) CONTINUATION OR DIVISIONAL APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 20, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449 form(s), attached hereto.

II. REFERENCES PREVIOUSLY CITED OR SUBMITTED

Pursuant to 37 C.F.R. § 1.98(d), consideration of information listed on the PTO-1449 form(s) is requested since any patents, publications, or other information which are listed on the PTO-1449 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s).
08/379,656
09/220,806

U.S. Filing Date(s)
March 23, 1995
December 28, 1998

III. FEES

This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

If the Examiner has any questions concerning this IDS or requires a copy of any of the references cited but not provided, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *mp arm*
Gerald M. Murphy, Jr., #28,977

MaryAnne Armstrong, Ph.D., #40,069

GMM/MAA:bmp
2428-0125P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): ☒ PTO-1449(s)

☐ References

☐ Foreign Search Report

☐ Other:

(Rev. 09/30/03)

Form PTO-1449 <div style="text-align: center;"> INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) </div>		ATTY. DOCKET NO. 2428-0125P		APPLICATION NO. NEW- Rule 3(b) Div. of 09/220,806	
		APPLICANT LAMBERT, Bart et al.			
		FILING DATE October 20, 2003		GROUP	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	US						
	US						

FOREIGN PATENT DOCUMENTS									
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	EPO	0 498 537		1992-08-12	EPO				
	PCT	9 304 587		1993-03-18	PCT				
	EPO	0 358 557		1990-03-14	EPO				
	PCT	90 06999		1990-06-28	PCT				

OTHER DOCUMENTS	
(Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	
	Gleave et al., J. General Microbiology, Vol. 138, pp. 55-62, 1992
	Smulevitch et al., FEBS Letters, Vol. 298, pp. 25-28, 1991
	Vaeck et al., Nature, Vol. 328, pp. 33-37, 1987
	Hofte et al., Microbiological Reviews, Vol. 53, pp. 242-255, 1989
	Wabiko et al., <i>Bacillus Thuringiensis</i> Entomocidal Protoxin Gene Sequence and Gene Product Analysis, DNA 5 (4): 305-314
	Brizzard, B.L. et al., Nuc. Acids Res. 16(6):2723-2724; "Nucleotide Sequence of an Additional Crystal Protein Gene Cloned from <i>Bacillus Thuringiensis</i> subsp. <i>Thuringiensis</i> "
EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449				ATTY. DOCKET NO. 2428-0125P		APPLICATION NO. NEW- Rule 3(b) Div. of 09/220,806			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT LAMBERT, Bart et al.					
				FILING DATE October 20, 2003		GROUP			
U.S. PATENT DOCUMENTS									
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	US 5,625,136	A	1997-04-29	Koziel et al.					
	US								
FOREIGN PATENT DOCUMENTS									
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
	EPO	0 498 537		1992-08-12	EPO				
	PCT	9 304 587		1993-03-18	PCT				
	EPO	0 358 557		1990-03-14	EPO				
	PCT	90 06999		1990-06-28	PCT				
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)									
	Gleave et al., J. General Microbiology, Vol. 138, pp. 55-62, 1992								
	Smulevitch et al., FEBS Letters, Vol. 298, pp. 25-28, 1991								
	Vaeck et al., Nature, Vol. 328, pp. 33-37, 1987								
	Hofte et al., Microbiological Reviews, Vol. 53, pp. 242-255, 1989								
	Wabiko et al., <i>Bacillus Thuringiensis</i> Entomodical Protoxin Gene Sequence and Gene Product Analysis, DNA 5 (4): 305-314								
	Brizzard, B.L. et al., Nuc. Acids Res. 16(6):2723-2724; "Nucleotide Sequence of an Additional Crystal Protein Gene Cloned from <i>Bacillus Thuringiensis</i> subsp. <i>Thuringiensis</i> "								
EXAMINER					DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									